IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4182 of 2007()

CRIME NO.244 OF 2007 OF ANTHIKKAD POLICE STATION

: APPLICANT/ACCUSED NO.1:

M.R. RAJAN, AGED 54 YEARS,
S/O. RAMANKUTTY, MENOTHUPARAMBIL, VALLOOR DESOM,
ANTHIKKAD VILLAGE, THRISSUR TALUK.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: COMPLAINANT-STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4182 of 2007

Dated this the 13th day of July, 2007

ORDER

Application for anticipatory bail. Petitioner is the 1st accused. The crime has been registered on the basis of the order dated 18.08.06 by the Ombudsman for Local Authorities. The petitioner is the convenor of a committee. In such capacity he is alleged to have received amounts from accused 2 to 4, the Vice President and Secretary of Grama/Block Panchayats. Before the Ombudsman, the petitioner complained that he had not received rice as alleged by the officials. He further submitted that some of the receipts which are purported to be receipts signed by him were not really signed by him. The learned Ombudsman verified the signature and found apparent incongruity and felt that the matter must be investigated into. Accordingly the Superintendent of Police, Trichur was directed to do the needful. On receipt of the said order, as directed by the Superintendent of Police, the present crime has been registered.

2. The learned counsel for the petitioner submits that there has been mindless registration of the crime without really looking into the nature of the allegations and the observations of the learned Ombudsman. Actually the petitioner is the victim and not offender, he submits.

3. The learned Public Prosecutor submits that subject to appropriate conditions, which should ensure that the petitioner co-operates with the investigation, anticipatory bail can be granted to the petitioner. In the facts and circumstances of the case, I am convinced that directions under Section 438 Cr.P.C can be issued in favour of the petitioner subject to appropriate conditions.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 20.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 21.07.2007and thereafter between 10 a.m and 3 p.m on all Mondays and Fridays for a period of one month. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 20.07.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 20.07.07.

(R.BASANT, JUDGE)

rtr/-